

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re : Chapter 11
:
CIRCUIT CITY STORES, INC., : Case No. 08-35653 (KRH)
: (Jointly Administered)
:
Debtor. : Hon. Kevin R. Huennekens

**NOTICE OF ELECTION OF THE PEP BOYS – MANNY, MOE & JACK TO
RETAIN POSSESSORY AND OTHER RIGHTS UNDER GROUND
LEASE AGREEMENT DATED OCTOBER 21, 2006 RELATING TO
STORE NO. 6128 PURSUANT TO 11 U.S.C. § 365(h)**

PLEASE TAKE NOTICE that The Pep Boys – Manny, Moe & Jack (the “Tenant”), by and through its undersigned counsel, hereby elects to retain all of its rights under that certain Ground Lease Agreement dated October 21, 2006 (the “Ground Lease”) between Circuit City Stores, Inc. (the “Debtor”), as lessor, and the Tenant, as lessee, relating to the Debtor’s store no. 6128 for premises located at 3485 William Penn Highway, Pittsburgh, Pennsylvania (the “Premises”) pursuant to 11 U.S.C. § 365(h)(1)(A).

PLEASE TAKE FURTHER NOTICE that the Tenant hereby elects to retain, to the fullest extent possible, the rights to use, possession and quiet enjoyment of the Premises for the term of the Ground Lease, including any renewal or extension periods thereunder, and further reserves its rights to offset against the rent and other obligations of the Tenant under or in connection with the Ground Lease the amount of damage caused by the Debtor’s

non-performance of its obligations under the Ground Lease, if any, from and after the date of rejection in accordance with § 365(h)(1)(B).

Dated: March 17, 2009

COHEN BALDINGER & GREENFELD, LLC

/s/ Steven H. Greenfield

Steven H. Greenfeld, Esquire/Va. Bar No. 30332)
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-and-

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Co-counsel for The Pep Boys – Manny,
Moe & Jack

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Notice of Election of the Pep Boys–Manny, Moe & Jack to Retain Possessory and Other Rights Under Ground Lease Agreement Dated October 21, 2006 Relating to Store No. 6128 Pursuant to 11 U.S.C. § 365(h) was served via first-class mail, postage prepaid, or served electronically via the CM/ECF system, this 18th day of March, 2009 to the following:

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